

Indiana Department of Environmental Management  
Office of Land Quality  
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## ***DISTRICT PLAN AMENDMENTS***

### ***SUPPORTING DOCUMENTATION***

The Indiana Department of Environmental Management (IDEM), Office of Land Quality has revised its previous guidance for district plan amendments by clarifying and streamlining the amendment procedure. Beginning in January 1995, amendments to existing district plans may be accomplished, at a minimum, by submitting a one-page plan amendment form to IDEM and following the public participation procedures described in IC 13-21-5 (formerly IC 13-9.5-4-2). *This guidance supersedes the IDEM guidance of December, 1993.*

According to IC 13-21-5-18 (formerly IC 13-9.5-4-11(b)), a district **may** amend its plan anytime, at its own discretion. Beginning in January 1995, a district **must** amend its plan if the district decides to either (1) **add** the following programs that were not addressed in the most current district plan, or (2) **not implement** the following programs that were addressed in the most current district plan.

- a program involving a facility that requires a permit or registration from IDEM (landfill, transfer station, compost facility, waste tire facility, etc.);
- a program involving a facility for processing recyclable materials (materials recovery facility, intermediate processing facility, etc.);
- a program for collecting recyclables (curbside, drop-off, etc.); or
- a major education program (school education program, district-wide public education campaign, etc.).

*Beginning in January 1995, district plan amendments may be accomplished, at a minimum, by submitting a **one-page plan amendment form** to IDEM and following **public participation** procedures.*

*This guidance is not retroactive. Districts who already have departed from the original district plan should describe the departures in the district report to be submitted to IDEM by April 15, 1995.*

In amending its plan, a district must follow the public participation procedures described in IC 13-21-5 (formerly IC 13-9.5-4-2). Following plan adoption, the district must submit to IDEM a one-page plan amendment form (at a minimum), as provided by the IDEM Office of Land Quality. The completed form will be considered the "district plan amendment" and will be reviewed by IDEM according to IC 13-21-5-18 (formerly IC 13-9.5-4-11(b)). IDEM may request additional information to determine whether the amendment adheres to statutory and procedural guidance. The district may choose whether to revise and reprint part or all of the original plan.

The revised guidance described above applies only to district plan amendments prepared after January 1995, and does not apply retroactively to existing districts who already may have departed from their original plan as approved by IDEM. These districts should describe the

departures in the district report to be submitted to IDEM by April 15, 1995. The initial report should contain brief descriptions of any notable changes in solid waste management programs during the period following plan approval and ending December 31, 1994. Future district reports will encompass only a one-year timeframe.

Guidance for the submittal of a one-page plan amendment form does not apply to the initial submittal of plans for new or restructured districts. These districts would still need to submit a complete plan which meets the requirements of IC 13-21-5 (formerly IC 13-9.5-4) and IDEM's district plan format. Plan amendments thereafter can be accomplished by using the one-page amendment form and following public participation procedures.

### **Previous Guidance**

An IDEM discussion paper submitted to the state Solid Waste Planning Advisory Council in November 1992 stated that in order for the district plans to be "living documents" that guide district efforts, a process should be established to assure that the plans are revised as needed and that the public be involved in the process. After further discussion and public comment, the IDEM Office of Solid and Hazardous Waste Management issued an interim guidance document dated December 9, 1993 that described a recommended approach to district plan amendments and record-keeping.

*District plan amendments are the statutorily established means for keeping district plans up-to-date and involving the public prior to notable changes in district programs. The oversight role of IDEM prior to district program changes also is clearly established in the district planning statute (IC 13-21-5 (formerly IC 13-9.5-4)).*

The 1993 guidance document identified criteria for plan amendments based upon the significance of the change in district programs, activities, or facilities. It also emphasized the need for district-to-IDEM communication in instances that may not require a plan amendment.

One of IDEM's primary concerns in drafting the 1993 interim plan amendment guidance was maintaining the opportunity for public involvement in district planning activities and plan amendment decisions. The revised (January 1995) guidance now in effect also emphasizes public involvement, but minimizes the type and amount of information needed to accomplish the intent of the amendment process described in IC 13-21-5 (formerly IC 13-9.5-4).

### **Statutory Basis**

District plan amendments are the statutorily established means for keeping district plans up-to-date and involving the public *prior* to notable changes in district programs (IC 13-21-5 (formerly IC 13-9.5-4-2)). The oversight role of IDEM prior to district program changes also is clearly established (IC 13-21-5-8 & 9 (formerly IC 13-9.5-4-3), IC 13-21-5-20 (formerly IC 13-9.5-4-12.5), and IC 13-21-5-21 (formerly IC 13-9.5-4-13)).

While the statute recognizes the need for documentation and accountability, it also addresses flexibility in plan implementation by allowing districts to prepare amendments at any time (IC 13-21-5-18 (formerly IC 13-9.5-4-11(b))). The timeframe for IDEM's review of these amendments is one-fourth the length of the original plan review under IC 13-21-5-8 & 9 (formerly IC 13-9.5-4-3). This shorter timeframe indicates that the "as-needed" amendments should be accomplished by a relatively simple process. The

one-page plan amendment form available from IDEM is consistent with the apparent intent of the statute to avoid burdening districts with unnecessary administrative work.

**For More Information**

If you have questions or need additional information regarding district plan amendments, please contact the Solid Waste Data Analysis and Planning Section at (317)233-5156, or write to:

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